IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 15233 of 2005

Between:

S. Manikanta, S/o. Ashok Kumar, aged about 20 years

Occ: Business, R/o. H.No. 4-57, Basar Temple Road, Basar, Adilabad District.

..... PETITIONER

AND

1 The Commissioner of Endowment, having office at Endowments Office, Boggulkunta, Abids, Hyderabad.
2 The Administrative Officer, Sri Gnana Saraswathi Devasthanam, Basar, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring that the respondents have no right to encroach upon the petitioner's right to trade of selling coconuts and Pooja articles within the premises of Sri Gnana Saraswathi Devasthanam, Basar, Mudhol Mandal, Adilabad District till he is evicted in due course of law, consequently to direct the respondents to allow the petitioner to continue to run the business within the premises of Sri Gnana Saraswathi Devasthanam, Basar, Mudhol Mandal, Adilabad District till an alternative arrangement is made.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2 Mr. Ravi Kondaveeti

The Court at the admission stage made the following :

O R D E R

The grievance of the petitioner in this writ petition is that despite his request to the respondents to permit him to run his business of selling of pooja articles in the premises of Sri Gnana Saraswathi Devasthanam, he is not being so permitted.

The learned counsel for the petitioner fairly submits that the lease granted to him for a period of three months from 16.04.2005 to 16.7.2005 has expired. He further submits that he made a representation to the Executive Officer of the temple to permit him to continue selling coconut and other pooja items till the shop shed, under construction, was completed. Learned counsel for the petitioner refers to the undertaking given by the petitioner in para-5 of the affidavit to the effect that he will vacate the temple premises, close down the shop and deliver back possession of the said shop to the 2nd respondent as soon as the new contractor is appointed and is authorized to take possession.

Sri Ravi Kondaveeti, learned counsel appearing on behalf of 2nd respondent, on instructions, submits that the temple is in the process of construction of shopping complex, on completion of which it is proposed to lease all the shops for which the 3rd respondent intends to conduct auction.

Since the petitioner has already filed a representation to the 2nd respondent on 12.07.2005, the 2nd respondent is directed to consider this representation and pass appropriate orders thereon within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No order as to costs.

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RAMESH RANGANATHAN, J

19th July, 2005

vp

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SECTION OFFICER

To

1. The Commissioner of Endowment, having office at Endowment office, Boggulkunta, Abids, Hyderabad

2. The Administrative Officer, Sri Gnana Saraswathi Devasthnam, Basar,Adilabad District,

3. Two C.Ds to Govt. Pleader for Cooperation, High Court buildings, Hyderabad (OUT)

4. Two C.Cs